



RCE / HW

PTO/SB/30 (09-04)

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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/915,743
Filing Date	July 26, 2001
First Named Inventor	Gary S. Huff
Art Unit	2642
Examiner Name	Daniel J. Ryman
Attorney Docket Number	BP1518

## This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply (15pgs.)

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other \_\_\_\_\_

## 2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

## 3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-2126. I have enclosed a duplicate copy of this sheet.

i. ☐ RCE fee required under 37 CFR 1.17(e) **03/15/2005 CCHAU1 00000083 09915743**

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) **01 FC:1801 790.00 OP**

iii. ☒ Other Any underage or overage not covered by credit card payment form

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☒ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	/Bruce E. Garlick/	Date	March 11, 2005
Name (Print/Type)	Bruce E. Garlick	Registration No.	36,520

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE/Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<u>Diane Hudson</u>
Name (Print/Type)	<u>Diane Hudson</u>
Date	<u>March 11, 2005</u>

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**(Attorney Docket No. 1518)**

In the Application of:  
Gary S. Huff



Group Art Unit: 2642

Examiner: Daniel J. Ryman

Serial No.: 09/915,743

Filed: July 26, 2001

For: METHOD AND APPARATUS  
FOR PERFORMING WIRE RATE  
AUTO-NEGOTIATION

**CERTIFICATE OF FILING**

I hereby certify that this correspondence is being transmitted via first class mail on March 11, 2005 to the address indicated below.

Diane Hudson

AMENDMENT FILED WITH RCE AFTER DECISION UPON APPEAL

Box RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In a Decision mailed January 19, 2005 the Board of Patent Appeals and Interference fully affirmed the Examiner's rejections made in the Final Office Action. In response thereto, this amendment is being filed concurrently with a Request for Continuing Examination (RCE). Attached hereto is a RCE transmittal form and credit card payment form for the requisite RCE fee of \$790. The undersigned attorney respectfully requests entry and consideration of the amendments and comments made herein. Further, the undersigned attorney requests that any fee deficiency be charged to deposit account no. 50-2126.